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Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 017-00597-2767-013		Date: 03/07/17	Time: 2305
Location:	5035 West Slauson Avenue	City or Station:	Ladera Heights
Bureau/Station/Facility:	Marina Del Rey	Admin. Investigation:	○ YES ◉ NO
Type of Force:	Tasers deployed		
Incident Category: ○1 ○2 ◉3	Deputy Injury: ○ YES ◉ NO	Suspect Injury	◉ YES ○ NO
☒ Call ☐ Observation ☐ Detail		☐ Foot Pursuit	☐ Vehicle Pursuit
IAB Notified: ◉YES ○ NO	Person Notified: Sergeant Mannion	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee # [redacted]	Last Name: Imaizumi	First Name: Ryan	Middle I.: N	Rank: DSG	
Sex: ◉ M ○ F	Race: A	Height: 503	Weight: 140	Age: [redacted]	Shift: ◉ EM ○ Day ○ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Marina Del Rey		Work Assignment (Unit #, Module, etc.): 274			
Individual Force Used: Taser		○ Directed ○ Rescue ○ Medical Assist		Individual Category: ○1 ◉2 ○3	
☐ Injured ☐ Treated ☐ Admitted		Facility:		Coroner Case #: 2017-01298	

E2

Employee # [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle I.: [redacted]	Rank: DSG	
Sex: [redacted] M ○ F	Race: [redacted]	Height: [redacted]	Weight: [redacted]	Age: [redacted]	Shift: ◉ EM ○ Day ◉ PM; ◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: [redacted]		Work Assignment (Unit #, Module, etc.): [redacted]			
Individual Force Used: Taser		○ Directed ○ Rescue ○ Medical Assist		Individual Category: ○1 ◉2 ○3	
☐ Injured ☐ Treated ☐ Admitted		Facility:		Coroner Case #:	

E_

Employee #	Last Name	First Name	Middle I.	Rank	
Sex: ○ M ○ F	Race:	Height:	Weight:	Age:	Shift: ○ EM ○ Day ○ PM; ○ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment:		Work Assignment (Unit #, Module, etc.):			
Individual Force Used:		○ Directed ○ Rescue ○ Medical Assist		Individual Category: ○1 ○2 ○3	
☐ Injured ☐ Treated ☐ Admitted		Facility:		Coroner Case #:	

☐ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Smith	Amore		SGT	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Dang	Luan	V	SGT	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Dinh	Minh	G	LT

Watch Commander / Supervising Lieutenant's **Signature:** [signature] Date: 12/24/18 Copy Provided to Employee by: Emp #:

Unit Commander **(Print Name)** Unit Commander's **Signature**: Emp #: Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
SUSPECT INFORMATION

017 - 00597 - 2767 - 013

Suspect Information

S 1

Last Name	First Name	Middle Name	Armed? Select
Rogers	Dennis	Todd	Other

AKA Last Name: | First Name: | Middle Name:

Sex	Race	Age	Height	Weight	D.O.B.	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
(●) Male ○ Female	B	41	600	195	07/02/75		

Street Address: [redacted] City: [redacted] State & Zip Code: [redacted]

Booking #: N/A Primary Charge Code: 245(c) PC Secondary Charge Code: 422 PC [redacted] Criminal History

Treated on Scene? (●) YES ○ NO Name: Captain Nelson Unit: LACO 58 Phone #: (323) 291-8392

Hospital Admission? ☒ Rec'd Treatment At: UCLA Coroner Case #: 2017-1928 Mental History ☐ User's guide provides direction on this entry

By: Dr. Cheaito Address: 757 Westwood Plaza, LA CA 90095 Phone #: (310) 825-9111

Under Influence: (●) YES ○ NO Substance: CNS Stimulant 5150 a factor in force? (●) YES ○ NO User's guide provides direction on this entry

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name: First Name: Middle Name: Armed? Select:

AKA Last Name: First Name: Middle Name:

Sex: ○ Male ○ Female Race: Age: Height: D.O.B. Weight: Phone #1: ○ H ○ W ○ C Phone #2: ○ H ○ W ○ C

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name: First Name: Middle Name: Armed? Select:

AKA Last Name: First Name: Middle Name:

Sex: ○ Male ○ Female Race: Age: Height: D.O.B. Weight: Phone #1: ○ H ○ W ○ C Phone #2: ○ H ○ W ○ C

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

0 1 7 - 0 0 5 9 7 - 2 7 6 7 - 0 1 3

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	McCullough	Lee	M

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Marina Del Rey Station	273	(•) EM ( ) Day ( ) PM	(•) Regular ( ) OT ( ) Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Bostic	Bryan	T

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Marina Del Rey Station	273	(•) EM ( ) Day ( ) PM	(•) Regular ( ) OT ( ) Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		( ) EM ( ) Day ( ) PM	( ) Regular ( ) OT ( ) Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	26	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	24	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	27	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		20	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	42	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	24	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force

0 1 7 - 0 0 5 9 7 - 2 7 6 7 - 0 1 3

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Rogers	S#1	[redacted]	E#2	HR	NN	
Imaizumi	E#1	Rogers	S#1	TR	PW	AD
Rogers	S#1	Imaizumi	E#1	OO	NN	HD
[redacted]	E#2	Rogers	S#1	TR	PW	AD



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

February 21, 2018

CONTENTS 3/1/18 CAPT C. BERGNER CB NOTED

Captain Christopher Bergner
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Dennis Todd Williams-Rogers
J.S.I.D. File #17-0137
L.A.S.D. File #017-00597-2767-013

Dear Captain Bergner:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 7, 2017, fatal shooting of Dennis Todd Williams-Rogers by Deputy Ryan Imaizumi of the Los Angeles County Sheriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Ryan Imaizumi, #[redacted]

L.A. COUNTY SHERIFF'S DEPT. RECEIVED MAR 0 3 2018 INTERNAL AFFAIRS BUREAU

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.co.la.ca.us

MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Dennis Todd Williams-Rogers
J.S.I.D. File #17-0137
L.A.S.D. File #017-00597-2767-013

DATE: February 21, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 7, 2017, fatal shooting of Dennis Todd Williams-Rogers by Los Angeles County Sheriff's Department (LASD) Deputy Ryan Imaizumi. It is our conclusion that Deputy Imaizumi honestly believed in the need to use deadly force, and there is insufficient evidence to prove his decision to use deadly force was unreasonable.

The District Attorney's Command Center was notified of this shooting on March 8, 2017, at approximately 1:00 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant Joe Mendoza.

The following analysis is based on reports, audio recorded interviews, video footage, and photographs submitted to this office by the LASD - Homicide Bureau. No compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On March 7, 2017, at approximately 8:35 p.m., LASD Deputies Lee McCullough and Bryan Bostic were working as partners in a marked black and white police vehicle. Simultaneously, Deputies [redacted] and Steve Propster were working as partners in a separate marked black and white police vehicle. All deputies were dressed in LASD uniform and responded to a "business disturbance" call from the 24 Hour Fitness, located at [redacted]

When the deputies arrived, they spoke to the [redacted] of 24 Hour Fitness, [redacted] told the deputies that Dennis Todd Williams-Rogers (Rogers), a member of 24 Hour Fitness, was bothering patrons at the location.[1] [redacted] and Propster peacefully escorted Rogers from 24 Hour Fitness. While outside the location and in the deputies' presence, [redacted] informed Rogers that his membership was revoked for 24 hours. The deputies left the location believing the situation had been resolved.

[1] Rogers was 5'11" tall and weighed 200 pounds.

After the deputies left, Rogers remained outside the 24 Hour Fitness. After some time, [redacted] began to get ready to leave the location. At that time, he noticed Rogers was outside the front glass doors of 24 Hour Fitness, and appeared to be angry. Rogers reached into his backpack and yelled to [redacted] "Come outside! I'm going to get you! I'm going to get you! I've been waiting on you!" [redacted] was frightened, believed Rogers may be reaching for a weapon, and was too scared to walk to his car by himself. The armed security officer at the location, [redacted] was not comfortable escorting [redacted] to his car because [redacted] feared he may have to draw his weapon. [redacted] called the Sheriff's Department and requested further assistance.

At 10:40 p.m., LASD broadcast a call regarding a man outside the 24 Hour Fitness who was yelling at customers.[2] Uniformed Deputies [redacted] and Ryan Imaizumi responded to this call.[3] While en route to the location, [redacted] told Imaizumi that he would speak to Rogers and asked Imaizumi to be ready with a Taser. When they arrived, both deputies exited their car and approached Rogers, who was outside the 24 Hour Fitness. Both deputies noticed Rogers appeared to be agitated.

[redacted] asked Rogers why he was upset. Rogers said either the [redacted] or the [redacted] at 24 Hour Fitness had hit him on the head. Rogers continued, saying when [redacted] or [redacted] exit 24 Hour Fitness, he is "going to fuck them up!" Seeing Rogers was irate and believing he was possibly unstable, [redacted] requested a supervisor respond to their location, and an S918 unit.[4] At approximately this time, McCullough and Bostic arrived at the location. Rogers remained outside, paced back and forth carrying a backpack, called the deputies "fake cops," and harassed patrons as they entered and exited the gym. At some point, Rogers approached Imaizumi and threatened to kill him. [redacted] believed Rogers anger was mostly focused on the [redacted] who was inside the glass doors. Rogers moved toward the glass front doors to 24 Hour Fitness and yelled, "I'm gonna fuck you up!"

[redacted] walked to the glass front doors to speak with [redacted] who was inside. As [redacted] began to open the door, Rogers again advanced toward the doors. [redacted] told Rogers to step back. Rogers responded, "You want to fight! I'll fuck you up too!" As [redacted] stood near the front doors to 24 Hour Fitness, Rogers aggressively approached him. [redacted] moved to avoid Rogers and proceeded down the steps in front of the glass entrance doors. Imaizumi, witnessing Rogers' hostile and threatening behavior toward [redacted] yelled "Taser! Taser! Taser!" and deployed his Taser at Rogers.[5] The Taser did not appear to affect Rogers, who ripped one or both Taser wires from his body, but it did appear to make him angry with Imaizumi.[6] Rogers said, "Oh, you gonna Taser me? Is that all you got?" Rogers began walking away from the deputies, carrying his backpack. Imaizumi quickly retrieved another Taser from his patrol car and handed it to [redacted]

---

[2] The printout states, "Inf states that male is outs,ide [sic] yelling and screaming at cus,tomers [sic]"
[3] [redacted] had worked a double shift, and was now partnered with Imaizumi.
[4] An S918 unit is a Mental Evaluation Team consisting of a deputy and a mental health worker. After requesting their assistance, [redacted] spoke to the Mental Evaluation Team on the phone. They advised [redacted] they were on another call, and were not available to respond to his location in a timely manner.
[5] Taser records indicate Imaizumi deployed the Taser at 10:58 p.m.
[6] Investigators obtained cell phone video of Imaizumi deploying his Taser in front of the 24 Hour Fitness. The video shows Rogers quickly advance toward [redacted] who moves out of the way by walking down the stairs. Imaizumi yells "Taser" three times, and then fires his Taser. Rogers uses his hands to remove the darts from his sweatshirt.

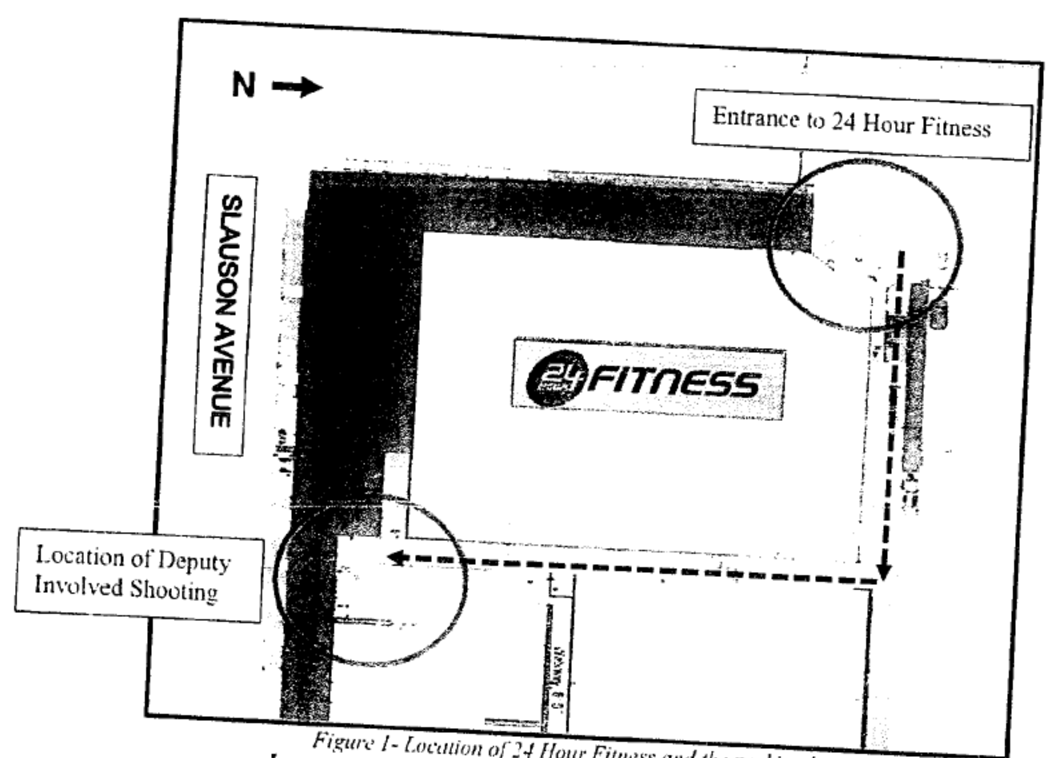


Figure 1- Location of 24 Hour Fitness and the parking lot

Bostic, McCullough, [redacted] and Imaizumi followed Rogers as he walked east along the north side of 24 Hour Fitness, turned and proceeded south along the east side of the gym, and walked into a parking lot for a strip mall located at 5035 West Slauson Avenue. Rogers placed his backpack on the ground near the strip mall stores, and reached into the bag. Believing he was retrieving a weapon, the deputies yelled, "Let me see your hands!" Rogers removed an electric hair clippers from a box inside his backpack and yelled, "I'm gonna fuck you guys up! I'm gonna kill one of you!"[7] Imaizumi drew his duty weapon with his right hand, and used his radio to request emergency assistance for an assault with a deadly weapon suspect.

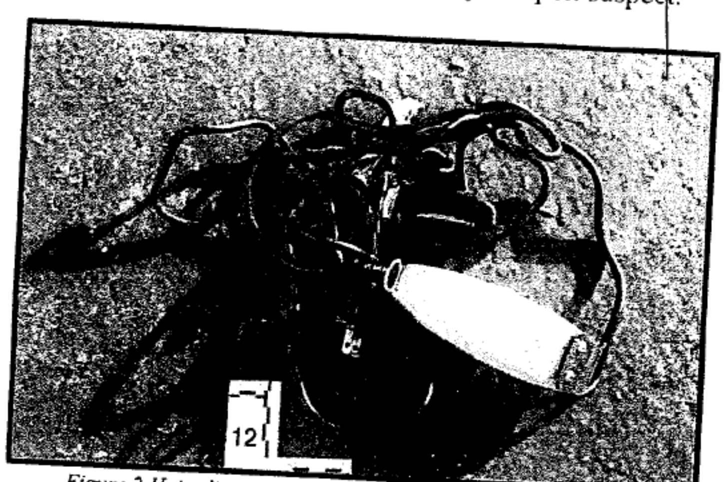


Figure 2 Hair clippers used by Rogers (pictured on top of keys).

[7] Imaizumi stated that he recognized the object as a standard man's hair clippers with a long cord which Rogers partially wrapped around his hand as if he was going to swing it like a lasso. The clippers weighed approximately 14.8 ounces. The cord attached to the clippers was approximately ninety-five inches in length.

Rogers held onto the cord as he swung the hair clippers in a "lasso-type technique," and walked in a generally southwest direction in the parking lot. All deputies moved back or otherwise avoided being struck by the hair clippers. [redacted] was unable to determine what the object Rogers swung was, but did believe the object had a shiny blade attached. [redacted] indicated Rogers swung the object to within inches of [redacted] head, at eye level. [redacted] yelled "Taser!" and deployed his Taser at Rogers.[8] The Taser had no effect on Rogers, who again appeared to remove the prongs from his body.

Rogers continued to swing the hair clippers in an aggressive manner, and appeared to be focused on Imaizumi.[9] Rogers threatened Imaizumi, saying, "I'm gonna fuck you up! I'm gonna kill you!" Imaizumi said Rogers charged at him several times while swinging the hair clippers. Imaizumi saw the hair clippers had a sharp edge and backed away from Rogers to avoid being struck by them. Imaizumi believed the hair clippers could have knocked him out, or cut his eyes or throat had the clippers stuck him. Rogers aggressively charged at Imaizumi, suddenly closing the distance between them rapidly. Imaizumi back pedaled, pulled his duty weapon back to his hip to avoid being struck by the hair clippers, and raised his left hand to protect his face and neck. In fear of being seriously injured by Rogers, he fired at him with his duty weapon positioned at his hip.[10] Rogers fell to the ground with his hands under his body.

Imaizumi immediately broadcast he had been in an officer involved shooting, and paramedics were called to their location. The deputies ordered Rogers to show his hands. When he failed to do so, the deputies waited until additional deputies arrived to approach and handcuff Rogers.

Paramedics arrived at the scene, treated Rogers, and transported him to Ronald Reagan UCLA Medical Center. Despite life saving measures, Rogers succumbed to his injuries.

On March 13, 2017, Deputy Medical Examiner Scott A. Luzi, M.D. performed an autopsy on Rogers' body. Rogers sustained four gunshots wounds. The first wound was to his upper right back.[11] The direction of that wound was back to front and left to right. The second gunshot wound was to the left upper quadrant of the abdomen. The direction of this wound was front to back, right to left, and downward. The third gunshot wound was to the left upper quadrant of the abdomen. The direction of this wound was front to back, left to right, and downward. The fourth gunshot wound was to the pelvis. The direction of that wound was front to back, right to left, and downward. Dr. Luzi ascribed the cause of death as multiple gunshot wounds.[12]

Imaizumi was armed with a Sig Sauer, P226 Elite, semiautomatic pistol. He normally kept his weapon loaded with 20 rounds in the magazine and one round in the chamber. Imaizumi was

---

[8] Taser records show [redacted] deployed his Taser at 11:01 p.m.

[9] McCullough described Rogers as wielding the hair clippers like a "kung fu fighter." Bostic stated Rogers swung the clippers in a criss cross motion, and twirled them in a circular motion.

[10] Imaizumi believed Rogers was within inches of him at the time he discharged his weapon, and stated he waited until the last possible moment to fire. [redacted] also believed Rogers was inches from Imaizumi at the time he fired. Bostic estimated Rogers closed the distance to eight to 10 feet from Imaizumi, when Imaizumi shot his duty weapon. McCullough stated he did not fire his weapon, in part, because Imaizumi was too close to his field of fire.

[11] The numbering of the wounds is for identification purposes, and does not indicate the order in which the wounds were received.

[12] Dr. Luzi also noted two puncture marks on Rogers' right chest, which he identified as being caused by a conducted electrical weapon.

unsure if his duty weapon was loaded with 20 or 21 rounds prior to discharging his weapon. Three cartridge casings were recovered at the scene.[13]

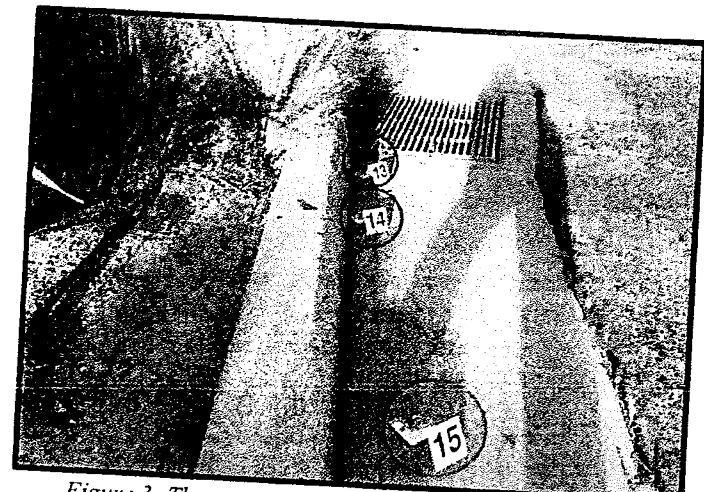


Figure 3- Three casings recovered from the parking lot.

Investigators recovered a fired Taser cartridge on the walkway in front of the entrance to 24 Hour Fitness. A single Taser dart was located at the bottom of the stairway leading to the glass door entrance.

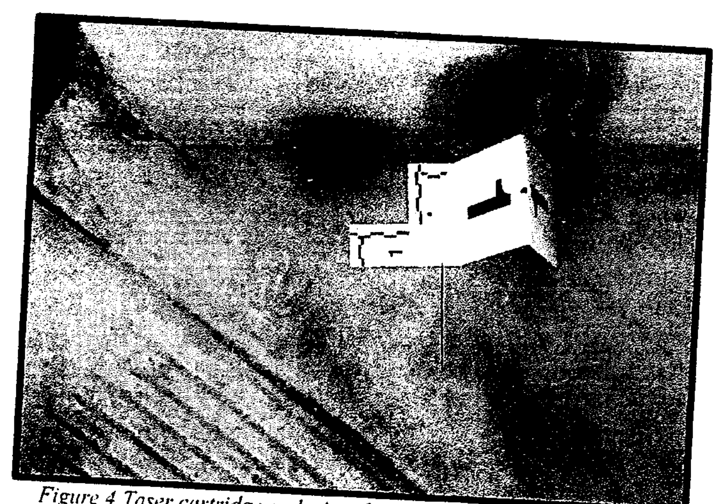


Figure 4 Taser cartridge and wires found in front of 24 Hour Fitness.

Investigators also recovered a fired Taser cartridge with a dart attached in the parking lot of 5035 West Slauson Avenue. Rogers' sweatshirt was located in the parking lot. Two Taser darts were attached to the sweatshirt.

[13] Imaizumi believed he fired his weapon three times and three casings were recovered at the scene. However, the overall evidence suggests Imaizumi actually fired his duty weapon four times. Rogers sustained four gunshot wounds, and the three recovered casings were located near a grate. As such, it appears a single casing was not recovered

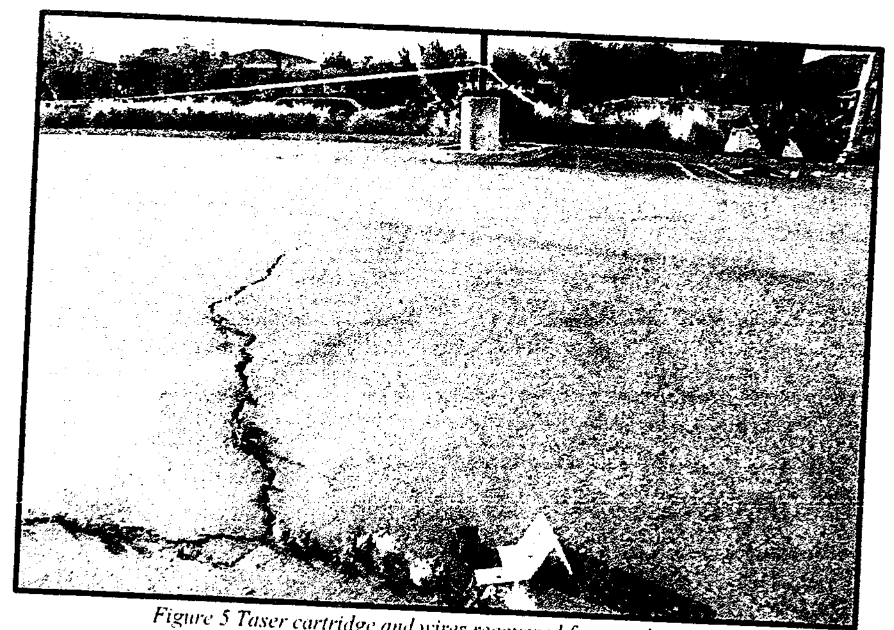


Figure 5 Taser cartridge and wires recovered from parking lot.

A grainy surveillance recording from the northeast corner of the parking lot captured the incident in the parking lot. The video is black and white, and although figures can be seen, the quality of the footage is too poor to discern details. No weapon, including the hair clippers, the Taser, or a handgun, can be discerned on the recording, and at times the figures disappear into the background. A person, Rogers, is seen entering the parking lot followed shortly by four others, the deputies. Rogers' figure is seen approaching the deputies several times while the deputies move to avoid him. Approximately two and a half minutes after Rogers enters the parking lot, Rogers rapidly approaches another figure, Imaizumi. The speed with which Rogers approaches Imaizumi is substantially quicker than he had previously been moving. Imaizumi appears to back up, and Rogers closes the distance between them. Within seconds of Rogers quickly approaching Imaizumi, Rogers' figure appears to be on the ground.

LEGAL ANALYSIS

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury; (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and (3) he used no more force than was reasonably necessary to defend against that danger. CALCRIM No. 505. The People have the burden of proving beyond a reasonable doubt that a person did not act in lawful self-defense or defense of another. If the People fail to meet this burden, a jury must find the defendant not guilty. CALCRIM No. 3470.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. *People v. Toledo* (1948) 85 Cal.App.2d 577.

Before a jury can rely on circumstantial evidence to find a person guilty, the jury must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the accused person is guilty. "If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence." CALCRIM No. 224.

CONCLUSION

The evidence examined in this investigation shows that Deputies Imaizumi and [redacted] followed shortly by Deputies McCullough and Bostic, responded to a call regarding a man yelling and screaming at patrons at the 24 Hour Fitness. When they arrived, they saw Rogers, who appeared to be agitated. In their presence, Rogers threatened to "fuck up" [redacted], and "fuck up" and kill Imaizumi. When Rogers aggressively approached [redacted] Imaizumi yelled "Taser!" three times, and deployed his Taser at Rogers, to no effect. Rogers walked away from the deputies, carrying an unsearched backpack. All four deputies followed.

Rogers walked along the 24 Hour Fitness building to a parking lot for an adjacent strip mall. Rogers opened his backpack, took out an electric hair clippers on a cord, threatened to kill "one" of the deputies, and began swinging the clippers. Imaizumi drew his weapon and requested assistance. As the deputies moved to avoid being struck by the hair clippers, [redacted] deployed his Taser, which again had no effect.

Rogers continued to swing the hair clippers while threatening to "kill" the deputies. Rogers was focused on Imaizumi, and repeatedly charged at him. Imaizumi saw the hair clippers had sharp edges, and was reasonably in fear that the clippers would cut his eyes or throat if the hair clippers struck him. Rogers again aggressively charged at Imaizumi, closing the distance between them. Imaizumi moved his previously-extended arm toward his hip and covered his face with this other hand. In fear for his life and the lives of his fellow deputies, Imaizumi fired his duty weapon from his hip, striking Rogers.

We conclude that Deputy Ryan Imaizumi was honestly in fear that he would suffer great bodily injury at the time he fired his duty weapon. We further find that there is insufficient evidence to prove beyond a reasonable doubt that his decision was unreasonable. Rogers threatened Imaizumi's life and advanced rapidly toward him while swinging an edged weapon. Although Imaizumi may have had other options available to him, there is insufficient evidence to prove that his split-second decision to use deadly force in this situation was unreasonable. We are closing our file and will take no further action in this matter.